



3764

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/849,674
Filing Date	May 7, 2001
First Named Inventor	Mark W. Ferry
Group Art Unit	3764
Examiner Name	J. W. Donnelly
Attorney Docket Number	

Total Number of Pages in This Submission

5

**ENCLOSURES (check all that apply)**

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| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
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| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
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Remarks

Substitute Declaration

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

Neal O. Willmann

Signature

Date

January 10, 2003

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*HS*

January 10, 2003

Re: Application No. 09/849,674  
Filed: May 7, 2001  
By: Mark W. Ferry  
For: Kick-Boxing Bag

Examiner: J.W. Donnelly  
Art Unit: 3764

Sir:

With regard to the Office Action mailed December 24, 2002, please consider the following:

#### Remarks/Arguments

The Examiner has deemed the Declaration to be defective because it does not identify the mailing or post office address of the inventor. For expediency, applicant's attorney has elected to execute and submit a Substitute Declaration clearly identifying the residence, mailing and post office address of the inventor/applicant, Mark W. Ferry.

Claims 1-6 have been rejected as being unpatentable over the teaching of the Lobur reference in view of figure 3 in the Kuo reference. More specifically, the Examiner espouses the opinion that Lobur discloses an exercise bag comprising an enclosure having a bottom, a removable top, curving sides and a water-tight container suspended from strapped loops.